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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Tenth and eleventh periodic reports of States parties due in 2017

Japan*, **

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** The annexes to the present document are on file with the Secretariat and are available for consultation

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I. Preface

1. Based on the provisions of Article 9 of the International Convention on the Elimination of All Forms of Racial Discrimination (hereinafter referred to as ICERD), the Government of Japan hereby submits its Tenth and Eleventh Combined Periodic Report on the ICERD. This is the updated version of the Seventh, Eighth and Ninth Combined Periodic Report (CERD/C/JPN/7-9) submitted in January 2013. The report also describes the measures that the Government of Japan has taken to eliminate racial discrimination from the time of submission of the Seventh, Eighth and Ninth Combined Periodic Report until December 2016.

2. With regard to Paragraphs 29 and 34 of the concluding observations of the Committee on the Elimination of Racial Discrimination, which was issued following consideration of the Seventh to Ninth Periodic Combined Periodic Report, the Government of Japan heard opinions from the public at large via the website of the Ministry of Foreign Affairs of Japan, and also conducted a dialogue with civil society including NGOs, in drafting this report. The Government of Japan recognizes the important role played by civil society in promoting respect for human rights and, therefore, is committed to attaching importance to exchanges with civil society. This report will be disseminated and distributed, as past reports have been, for use by civil society, including NGOs, in its activities.

3. Japan has taken every conceivable measure to fight against racial discrimination. The Constitution, the supreme law of Japan, guarantees equality under the law without any form of discrimination, irrespective of the form, that is, whether discrimination is direct or indirect, as is evidenced by the provision laid down in Paragraph 1 of Article 14 that "all of the people are equal under the law and there shall be no discrimination in political, economic or social relations because of race, creed, sex, social status or family origin". Based on this principle, Japan has striven to realize a society without any form of racial or ethnic discrimination, and will continue to make efforts to achieve a society in which each person is treated without any discrimination and respected as an individual and can fully develop his or her personality.

II. Introduction

1. Basic information concerning Japan

4. With regard to Paragraph 6 of the concluding observations of the Committee on the Elimination of Racial Discrimination in the previous Periodic Report, this Periodic Report explains as follows.

5. For basic information concerning Japan, including land and population, see Japan's Common Core Document (HRI/CORE/JPN/2012). For information concerning social indexes, see Part III, Article 5, 7 of this Periodic Report.

6. The latest statistics on foreign nationals entering Japan and residing in Japan are provided on the following webpages (only in Japanese).

Statistics on Legal Migrants

http://www.moj.go.jp/housei/toukei/toukei_ichiran_nyukan.html

Statistics on Foreign Nationals Registered in Japan

http://www.moj.go.jp/housei/toukei/toukei_ichiran_touroku.html

2. General legal framework for the protection of human rights

7. See Paragraphs 3 to 5 of the Initial and Second Periodic Report.

8. See Part III. Article 6. 2 (1) of this Report for the structure of the human rights bodies of the Ministry of Justice.

3. Information concerning the situation of women

(1) Act on the Prevention of Spousal Violence and the Protection of Victims

9. The "Act on the Prevention of Spousal Violence, the Protection of Victims". (Hereinafter referred to as "Spousal Violence Prevention Act") was promulgated in April 2001 to prevent spousal violence and protect spousal violence victims toward the realization of protection of human rights and gender equality. The Act was revised in June 2004 and July 2007. A further revision in July 2013 made the Act applicable to violence by partners who share a residence as a base for living together with the victims and it came into effect in January 2014.

10. The Act is aimed to prevent spousal violence and protect victims by creating a system for reporting cases of spousal violence, offering victims consultation and protection, and otherwise helping them to become self-reliant.

11. As the result of the third revision, the scope of application of this Act has been expanded to include violence by partners who share a residence as a base for living together with the victims (excluding those who are not engaged in communal life similar to common life in marital relations), and to the victims of this violence, in addition to spousal violence and victims.

(2) Efforts of the Government of Japan

12. The Government of Japan reviewed the existing basic policy based on the third revision in 2013 and formulated a "basic policy concerning measures for the prevention of spousal violence and the protection of victims" on December 26, 2013.

13. To comprehend the conditions in which violence occurs between men and women, the Government of Japan conducted the "Survey on Violence between Men and Women" of 5,000 men and women aged 20 or above across the country in FY 2014. The results of this survey were released in March 2015.

14. In addition, the Specialist Committee on Violence against Women of the Council for Gender Equality, which is established within the Cabinet Office, held discussions toward smooth enforcement of the Spousal Violence Prevention Act. The results of the discussions are included in the "Fourth Basic Plan for Gender Equality", formulated by the Government of Japan on December 25, 2015. Based on the Plan, the Government of Japan is now promoting wide-ranging efforts to cope with violence against women, including violence by spouses or partners.

15. To handle cases such as stalking as well as spousal violence that are deemed to require immediate securing of personal safety, the police advance prompt and appropriate measures including arresting perpetrators and taking protective measures for victims, placing top priority on ensuring the safety of victims.

16. In Japan's legal system, the Penal Code provides against crimes of injury (Article 204 of the Code), assault (Article 208 of the Code), homicide (Article 199 of the Code), injury causing death (Article 205 of the Code), rape (Article 177 of the Code) and forcible indecency (Article 176 of the Code). Additionally, special laws, including the Act Pertaining to Punishment of Physical Violence and Others, provide against habitual crimes of injury (Article 1-3 of the above Act). The Government of Japan recognizes that when violence against women falls under these penal laws, appropriate measures are taken to investigate such cases and punish perpetrators according to individual cases, without discrimination based on the victim's race and ethnicity.

4. Ainu people

17. With regard to Paragraphs 20 and 24 of the concluding observations of the Committee on the Elimination of Racial Discrimination in the previous Periodic Report, this Periodic Report explains as follows.

(1) Hokkaido Ainu Living Conditions Survey

18. The government of Hokkaido Prefecture has conducted seven Hokkaido Ainu (Utari until 1999) Living Conditions Surveys to examine the living conditions of the Ainu people. According to the 2013 survey, which followed surveys in 1972, 1979, 1986, 1993, 1999 and 2006, the Ainu people's living standard continued to improve as explained below, although the gap between the Ainu people and other residents who reside in the same district has not yet completely diminished.

19. As for their education, the 2013 survey shows that the percentage of the Ainu people who go on to high school is 92.6%, and to university (including junior college) is 25.8%. The overall long term results indicate a growing gap in the percentage of people who go on to high school, which resulted from a downward turn in the percentage among the Ainu people in the previous survey following the steady increase that was seen since 1972. At the same time, the Ainu people's access to college education has steadily improved, as seen in the past three surveys.

20. The latest survey concerning the employment structure of the Ainu people also found that tertiary industries occupy the largest proportion (40.4%), followed by primary industries (36.0%) and secondary industries (19.0%). Concerning the employment structure by business sector, fisheries make up the largest portion (26.3%), followed by construction (11.2%), and agriculture and forestry (9.7%).

21. According to the latest survey, the public assistance rate (the percentage of people out of 1,000 who receive public livelihood assistance) of the Ainu people is 44.8‰, an increase of 6.5 points from the 2006 survey. The rate in the 1972 survey was 6.6 times higher in points than the rate of the total population of the municipalities where the Ainu people resided, but the difference dropped to 3.5 times in the 1979 survey, 2.8 times in the 1986 survey, 2.4 times in the 1993 survey, 2.0 times in the 1999 survey, 1.6 times in the 2006 survey, and 1.4 times in the latest survey. This narrowing gap in public assistance reception between the Ainu people and other residents shows the positive effect of the measures to improve the livelihood of the Ainu people in Hokkaido, which include facility improvement projects to ameliorate the Ainu people's overall living environment, such as local roads and community centers, the consolidation of infrastructure in the area of agriculture, forestry and fisheries, the development of small and medium-sized enterprises to expand sales channels of Ainu arts and crafts, and measures to facilitate employment and skill training.

22. According to the 2013 survey, with regard to "the state of discrimination since one's earliest recollection to today", 33.0% of Ainu questionnaire respondents answered that they had experienced discrimination at school, in employment, in marriage or in other situations, or they knew of someone who had experienced such discrimination.

(2) Measures to improve the livelihood of the Ainu people in Hokkaido

23. The government of Hokkaido Prefecture formulated the policy paper "Hokkaido Utari Welfare Measures" four times from 1974 to 2001, and the "Promotion Policy for the Improvement of Ainu People's Life" twice from 2002 to 2015. Guided by these policy guidelines and taking into account the results of the aforementioned Living Conditions Survey, it works to improve the living standards of Ainu people and to redress their imbalance with other Hokkaido residents, by taking comprehensive measures, including the promotion of education and culture, the improvement of their living environment, and the promotion of industries. For example, in order to eliminate the existing gap in educational opportunities between Ainu people and other residents, the prefectural government offers entrance allowances and grants (loans for college students) to encourage Ainu students to attend high school and college.

24. The Government of Japan set up the "Joint Meeting of Ministries Concerned in the Hokkaido Utari Measures" in 1974 (renamed as "Joint Meeting of Ministries Concerned in the Measures for the Improvement of the Living Standards of Ainu People in Hokkaido" in 2002) to cooperate with and promote the abovementioned measures led by the government of Hokkaido Prefecture. Through this forum, the Government ensures close cooperation among the related administrative organs to obtain sufficient budget for the measures for the improvement of the living standards of Ainu people in Hokkaido.

25. The Government of Japan conducted research on the current status of endangerment of the Ainu language in FY2010, and on measures currently taken in support of the language and challenges raised regarding the measures in FY2012. Because the research findings have confirmed that the Ainu language is critically endangered, the Government planned to archive audio material of existing traditional Ainu in order to create a favorable environment for widely using such material for study or other purposes and handing down the language. From FY2013 to 14, the Government also conducted "Research on Audio Archiving Necessary for Conserving and Handing Down the Ainu Language", and, based on the research results, has been implementing projects to digitize audio material in traditional Ainu and to support efforts to archive the material since FY2015 up to the present time. Additionally, the Government holds the Languages and Dialects in Danger Convention to raise national awareness of languages and dialects in danger of extinction, including Ainu, as well as for other purposes; and has formed the Research Council on Endangered Languages and Dialects, which consists of administrative officials and researchers, aiming to help share information about efforts made in the relevant regions.

26. On June 6, 2008, the Japanese Diet unanimously adopted resolutions concerning the Ainu people. Responding to this resolution, the Government of Japan issued a Statement by the Chief Cabinet Secretary, and continues to develop policies in accordance with this statement. The Government also holds meetings of the Council for Ainu Policy Promotion to discuss various matters toward implementing recommendations issued by the Advisory Council for Future Ainu Policy, which met based on the Statement by the Chief Cabinet Secretary regarding a desirable future Ainu policy.

(3) Advisory Council for Future Ainu Policy

27. See Paragraphs 15 and 16 of the Seventh, Eighth and Ninth Combined Periodic Report.

(4) Council for Ainu Policy Promotion

28. See Paragraphs 17 to 22 of the Seventh, Eighth and Ninth Combined Periodic Report.

(5) Protection of the human rights of Ainu people

29. See Paragraph 13 of the Third, Fourth, Fifth and Sixth Combined Periodic Report.

(6) Measures based on the "Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about Ainu Tradition"

30. While Paragraph 19 of the Initial and Second Periodic Report has explained measures based on the above act, this Periodic Report also explains as follows.

31. The Government of Japan submitted the Law for the Promotion of the Ainu Culture and for the Dissemination and Advocacy for the Traditions of the Ainu and the Ainu culture, in view of the current situation of the Ainu tradition and culture (hereinafter referred to as "the Ainu tradition"), which is the source of their ethnic pride. This law was adopted in May 1997 and took effect in July 1997, and accordingly, the Government, local governments and designated legal persons have carried out the necessary measures to promote the Ainu culture, including the Ainu language, and to raise awareness on knowledge about the Ainu tradition.

32. For example, many social studies textbooks for elementary and junior high school have descriptions about the tradition and culture of the Ainu people. Some textbooks

mention the Act on the Promotion of Ainu Culture, and Dissemination and Enlightenment of Knowledge about the Ainu Tradition, etc.

33. See III. Article 7, 2 (4) (b) of this Periodic Report for other language policies.

5. People of Okinawa

34. With regard to Paragraph 21 of the concluding observations of the Committee on the Elimination of Racial Discrimination in the previous Periodic Report, it is largely understood that people in Okinawa have inherited a unique culture and tradition over their long history. However, the Government of Japan recognizes only the Ainu people as indigenous people in Japan.

35. It cannot be said that there is a widespread understanding in Japan that people in Okinawa are "indigenous people". For example, in December 2015, the City Council of Tomigusuku, Okinawa Prefecture, adopted an opinion statement stating that "most people of Okinawa do not consider themselves to be indigenous people", and that the recommendations by the UN treaty bodies which regard the people of Okinawa as "indigenous people" are regrettable and they should be retracted. In June 2016, the City Council of Ishigaki, Okinawa Prefecture, also adopted an opinion statement against the UN recommendations which states, "In the Okinawan dialect, there still remain several words of the ancient Japanese language; the lifestyle is the same as mainland Japan", and, "Therefore, the claim that the people of Okinawa are indigenous people is incorrect", requesting that the recommendations be retracted.

36. The people of Okinawa are equally Japanese nationals. They enjoy the rights of Japanese nationals, and use relief measures as Japanese nationals, just as other Japanese nationals can. See Attachments 1 and 2 for details of the opinion statements.

6. Foreign nationals in Japan and efforts for the protection of their human rights

(1) Basic framework

37. See Paragraphs 19 and 20 of the Third, Fourth, Fifth and Sixth Combined Periodic Report.

38. See III. Article 2, 1 of this Periodic Report for the Act on the Promotion of Efforts to Eliminate Unfair Discriminatory Speech and Behavior against Persons Originating from Outside Japan" (hereinafter referred to as "Hate Speech Elimination Act").

(2) Breakdown of foreign nationals registered in Japan

39. As for classification by status of residence as of the end of 2015, 47.0% of the total number of registered foreign nationals stay under the status of "Special Permanent Resident" or "Permanent Resident", 7.2% stay under "Long-Term Resident", and 6.3% stay under "Spouse or Child of Japanese National".

40. 10.7% of all registered foreign nationals are under statuses which allow them to work. As of the end of 2015, their number reached 238,042, which is 23,798 (11.1%) more than in the previous year.

41. As for region of origin, 83.7% of the total number of registered foreign nationals under "Engineer/Specialist in Humanities/International Services" and 87.7% under "Business Manager" are from Asia. 64.5% under "Instructor" are from North America. 42.4% under "Religious Activities" are from Asia and 42.0% thereunder are from North America.

(3) System of status of residence

42. See Paragraph 20 of the Initial and Second Periodic Report for the fact that Japan adopts a system of status of residence as a basic framework for foreign nationals to enter

and stay in Japan. See Paragraph 28 of the Seventh, Eighth and Ninth Combined Periodic Report for the residency management system.

(4) Foreign workers

43. See Paragraph 17 of the Third, Fourth, Fifth and Sixth Combined Periodic Report for the Government of Japan's policy on the acceptance of foreign workers. See Paragraph 30 of the Seventh, Eighth and Ninth Combined Periodic Report for the promotion of acceptance of highly-skilled foreign professionals.

44. With regard to Paragraph 12 of the concluding observations of the Committee on the Elimination of Racial Discrimination in the previous Periodic Report, this Periodic Report explains as follows.

45. With regard to foreign workers in Japan with the status of residence permitting working in Japan, the Government of Japan has formulated the Guidelines for Employers' Appropriate Measures to Improve Employment Management of Foreign Workers, and, targeting employers of such foreign workers, disseminates information about and raises awareness of appropriate employment management, and also visits employers to offer guidance.

46. The Government of Japan does not recognize the Technical Intern Training Program as falling under racial discrimination.

47. Aiming to ensure that foreign technical intern trainees can properly acquire technical skills through technical intern training and be appropriately protected, based on the "2014 revision of Japan Revitalization Strategy" decided by the Cabinet in June 2014, the Government of Japan submitted a "Bill on Proper Technical Intern Training and Protection of Technical Intern Trainees" to the 189th session of the Diet on March 6, 2015, to establish a type of approval system for technical intern training implementers and supervisors, and technical intern training plans, and to take necessary measures, including establishing "Organization on Technical Intern Training" in charge of secretarial work for the system. This bill was adopted as an act on November 18, 2016, and promulgated on the 28th of the same month. The act provides against violation of the human rights of technical intern trainees and provides penalties for breaches of such commitments, and establishes "Organization on Technical Intern Training" as an authorized corporation. In addition to onsite inspection to technical intern training implementers, it requires measures to be taken to protect technical intern trainees by offering them advice, responding to their declarations, arranging and coordinating their workplace transfers, and other means. Also in order to ensure the appropriateness of the Technical Intern Training Program, relevant governmental and ministerial ordinances were promulgated on April 7, 2017. They stipulated that the enforcement day of the "Bill on Proper Technical Intern Training and Protection of Technical Intern Trainees" shall be November 1, 2017 and includes the details of accreditation of the technical training plan, permission for supervising organizations.

48. At the same time, for the purpose of building a proper system, the Immigration Bureau of the Ministry of Justice, has so far cooperated with other related organizations. For example, the Bureau has strived to conduct inspections in cooperation with labor standards inspection agencies, and has notified them about cases suspected of violating labor-related laws and ordinances. Additionally, when the Bureau recognizes any misconduct taking place through on-site inspections, it takes resolute action, including ordering the supervising organizations and implementing organizations involved to stop accepting technical intern trainees for a maximum of five years. In 2015, the Bureau informed 273 implementing organizations that their inappropriate acceptance of technical intern trainees was considered to be misconduct, and ordered them to stop accepting technical intern trainees. The implementing organizations which were punished accounted for approximately 0.7% of a total of 37,259 implementing organizations as of the end of 2015.

49. The Government of Japan implements a project to enable foreign nationals who have graduated from culinary institutes in Japan to work as Japanese cuisine cooks at host organizations in Japan. In approving host organizations, the Government imposes requirements on them in order to protect the rights of foreign cooks, including healthy

management conditions, compliance with labor-related laws and ordinances, remuneration for foreign cooks equivalent to or more than that of Japanese cooks, and regular inspections of host organizations by culinary institutions.

50. In the manufacturing field under the jurisdiction of the Ministry of Economy, Trade and Industry of Japan, the Minister of Economy, Trade and Industry implements a program to accept foreign employees from overseas plants/offices of manufacturers in Japan. To eliminate unfair acts and human right violations, the Minister of Economy, Trade and Industry obliges manufacturers to accept foreign employees only from within their own overseas plants/offices, and to conduct checking of and periodic reporting on implementation situations. If manufacturers are considered to have taken unfair acts, the Minister of Economy, Trade and Industry may cancel their certifications.

51. In the construction and shipbuilding fields, the Government of Japan implements a project to accept foreign nationals who have completed technical intern training in these fields. The Government permits only management bodies and host companies using good practices to accept such foreign workers under this project, and takes measures to prevent and eliminate injustices and violations of human rights, including on-site guidance by supervising organizations.

52. See III, Article 5, 5 (2) for foreign nationals' rights to housing.

(5) Overstayers

53. The number of overstayers in Japan was 62,818 as of January 1, 2016. Although this number marks a decrease of 235,828 compared to the peak of 298,646 on May 1, 1993, it has increased for two consecutive years since decreasing to 59,061 on January 1, 2014, taking an upward turn for the first time in 22 years. The consistent decline in the number of overstayers from May 1, 1993 to January 1, 2012 is the result of comprehensive measures, including implementation of strict immigration examinations using biometric information, exposure of violations by foreign nationals of the Immigration Control and Refugee Recognition Act (hereinafter referred to as "Immigration Control Act") through close collaboration with related authorities, use of the departure orders system, and active PR concerning the prevention of illegal work. In 2015, there were 12,272 illegal residents against whom deportation procedures were executed. Of these, 7,973 were judged to be working illegally, with 4,286 of them (accounting for about 54% of all illegal foreign workers) judged to have worked illegally for "one year or less". This figure includes the number of foreign nationals judged to have worked illegally for "six months or less", which makes up about 32% of all illegal foreign workers. Although many of those who violate the Immigration Control Act still work illegally, the period of illegal work has tended to become shorter.

54. The issue of illegal foreign workers not only hampers the proper management of immigration control but also gives rise to criminal acts through exploitation of the vulnerability of such persons, including intermediary exploitation, forced labor and human trafficking. Brokers who arrange illegal employment earn massive profits in unjust ways, and reports of infringements of human rights have been made where illegal foreign workers are exploited through underpayment, or cannot receive adequate compensation if they suffer from industrial accidents. Related ministries and agencies have cooperated to clamp down on job brokers, organized crime members and unscrupulous employers, all of whom may be involved in the entry and/or employment of illegal foreign workers. In 2015, deportation procedures were applied against 130 foreign nationals on the charge of encouragement of illegal work.

(6) Measures against human trafficking

55. With regard to Paragraph 16 of the concluding observations of the Committee on the Elimination of Racial Discrimination in the previous Periodic Report, this Periodic Report explains as follows.

56. The Government of Japan recognizes human trafficking as a serious human rights infringement, and implements strong measures against it, including the establishment of the ministerial-level "Council for the Promotion of Measures to Combat Trafficking in

Persons" based on "Japan's Action Plan of Combat Trafficking in Persons", formulated in December 2004 (revised in December 2009 and December 2014). Consequently, the Government of Japan was able to protect 54 victims in 2015. The Immigration Bureau of the Ministry of Justice took protection procedures (including support for returning home) for 26 foreign victims of human trafficking, of whom 11 were in violation of the Immigration Control Act due to their overstay, who subsequently received special permission to stay in Japan. The number of victims has significantly decreased since the Immigration Bureau first started taking statistics in 2005, at which time 115 victims were protected. The number of protected victims has hovered around 20 for several years.

57. The Immigration Bureau also offers specialist training in the protection of human trafficking victims and other related matters, targeting middle-ranking officials who are likely to have contact with human trafficking victims, by inviting external lecturers from related government authorities, the International Organization for Migration (IOM) and NGOs.

58. Japan's Coast Guard provides lectures on the current conditions of human trafficking and the importance of the protection of victims as part of its annual training of coast guard personnel.

59. Of 42 human traffickers arrested in 2015, 26 have been prosecuted. Out of these, guilty judgments were handed down on 20 perpetrators, excluding those still on trial, and were made final and binding in February 2016.

60. The Government of Japan recognizes that by revising the Penal Code in 2005, it has achieved the criminalization of all types of human trafficking, which the Protocol to Prevent, Suppress and Punish Trafficking in Persons requires.

61. The police advance measures including collecting information relating to human trafficking cases, conducting investigations to elucidate the organizational background of such crimes and arresting criminal brokers and employers by applying relevant laws and ordinances in comprehensive ways. Also, the police provide newly appointed or promoted police personnel with education on measures against human trafficking cases as part of their training and offer them lectures delivered by designated instructors in order to improve the technical skills of police personnel at every opportunity such as various training programs.

62. The police strive to give thoughtful attention toward the situation of victims by providing sufficient explanation on protective measures and legal procedures including special permission to stay in Japan and explanation of future investigation processes to the extent possible.

63. Every year from 2005, aiming to identify latent human trafficking victims, the police create multilingual leaflets that encourage such victims to report crimes against themselves to the police or other authorities, and distribute the leaflets to related ministries and agencies, embassies in Tokyo and NGOs as well as display them in locations where victims can easily find them. In November 2015, the police published and distributed 286,450 copies of the leaflets in nine languages.

64. To foster collaboration with other organizations, since 2004, the National Police Agency holds a communication meeting once a year to exchange opinions and information with contact points related to human trafficking such as embassies in Tokyo, related authorities, prefectural police, and international organizations. In 2015, the meeting took place on July 17 and cleared cases of human trafficking and other matters were discussed.

65. Additionally, the police exchange information with the investigative authorities of the home countries of human trafficking victims through ICPO-INTERPOL, and actively cooperate with police in other countries to conduct investigations of human trafficking cases in response to requests from these countries.

66. With regard to foreign workers, including technical intern trainees, the labor standards inspection agencies supervise and direct businesses suspected of violating the Labor Standards Act, and take decisive action, including legal action, against serious and malicious law violations. In October 2014, the Government of Japan delivered the Human

trafficking Regulation Manual, which explains laws and ordinances applying to cases of human trafficking and includes concrete examples of law application, to the labor standards inspection agencies, to share past criminal cases. This manual is utilized when conducting investigations.

67. Women's Consulting Offices collaborate with related organizations to protect female victims of human trafficking regardless of nationality or age, and provide them with food, clothes and housing with due consideration of their religious and culinary customs. The Offices strive to improve the protection of such victims by paying adequate consideration to rooms, bathing and meals, and assigning guards during the night to strengthen the night guard system. Moreover, when a victim is a child (age 17 or under), the Offices take necessary protective measures in cooperation with child guidance centers, as needed.

68. The Government of Japan provides repatriation and social reintegration support after repatriation to foreign trafficking victims identified in Japan, through contributions to IOM. Since the launch of the project in May 2005, the Government provided repatriation assistance to 290 foreign victims by the end of 2016.

69. The Government of Japan implements various capacity building projects targeting mainly Southeast Asian countries which do not necessarily have sufficient capacity to take charge of trafficking cases through training for employees of law enforcement agencies provided through UNODC or technical assistance provided through JICA.

70. Additionally, Japan's Coast Guard provides crime victims, including victims of human trafficking, with an outline of the criminal justice procedure, and informs them of the progress of the investigation, the status of suspects, including arrests and referrals, and other matters that are deemed to be useful for helping victims and easing their anxiety.

71. As part of the investigation and remedy procedures taken by human rights bodies of the Ministry of Justice, a system for providing human trafficking victims with temporary accommodations as an emergency refuge was launched in October 2015.

(7) Education

72. See III. Article 5, 5 (4) of this Periodic Report for the education of children of foreign residents in Japan.

7. Korean residents in Japan

(1) Historical background and the number of Korean residents in Japan

73. See Paragraph 21 of the Third, Fourth, Fifth and Sixth Combined Periodic Report. The percentage of Korean residents in Japan among all foreign nationals registered in Japan declined to 15.4% by the end of 2015.

74. Korean residents in Japan reside with such special legal status of "Special Permanent Resident" in Japan. Among them, South Korean nationals numbered 311,463 and other foreign nationals from the Korean Peninsula numbered 33,281 as of the end of 2015. (The total number of "Special Permanent Resident" was 348,626, including 1,277 Chinese nationals as well as other nationalities (countries of origin) in addition to Korean residents.) As for their place of residence, 27.3% of "Korean residents in Japan" live in Osaka, followed by Tokyo where 12.3% of them live.

(2) Legal status

75. See Paragraph 39 of the Initial and Second Periodic Report.

76. See Paragraphs 41 to 43 of the Initial and Second Periodic Report, Paragraph 23 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, and Paragraphs 39 and 40 of the Seventh, Eighth and Ninth Combined Periodic Report, for the preferential measures provided for in the Special Law on the Immigration Control of Those Who Have Lost Japanese Nationality and Others on the Basis of the Treaty of Peace with Japan.

(3) Education

77. See Paragraphs 41 to 45 of the Seventh, Eighth and Ninth Combined Periodic Report.

78. The Government of Japan currently does not have a specific plan to conclude the Convention against Discrimination in Education that was adopted in the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1960. With regard to the prevention of discrimination in education, the Basic Act on Education of Japan provides for equal opportunity in education, stating that people must be given equal opportunities to receive an education suited to their abilities and must not be subjected to discrimination in education. Under this basic principle, the Government of Japan is implementing its educational policy. Foreign residents in Japan are treated in the same way as Japanese people including ensuring the opportunity to receive compulsory education if they so wish.

(4) Dealing with harassment of school children

79. See Paragraph 26 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, and Paragraph 47 of the Seventh, Eighth and Ninth Combined Periodic Report. Note that, in Paragraph 26 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, the passage "In a summit meeting between the political leaders of Japan and North Korea held on September 17, 2002, the North Korean side officially acknowledged the abduction of some Japanese nationals by North Korea. For this and other reasons" should be amended to "After the North Korean side officially acknowledged the abduction of a number of Japanese nationals by North Korea in a summit meeting between the political leaders of Japan and North Korea held on September 17, 2002".

(5) Employment

80. See Paragraphs 49 to 50 of the Initial and Second Periodic Report.

81. Japanese nationality is required for civil servants who participate in the exercise of public power or in public decision-making, but it is understood that Japanese nationality is not necessarily required for civil servants who do not engage in the abovementioned work. Korean residents in Japan have been employed as civil servants in line with the abovementioned principle.

8. Refugees

82. With regard to Paragraph 23 of the concluding observations of the Committee on the Elimination of Racial Discrimination in the previous Periodic Report, this Periodic Report explains as follows.

(1) Treatment of refugees

83. Upon the conclusion of the Convention Relating to the Status of Refugees (hereinafter referred to as "the Refugee Convention") in 1981 and of the Protocol Relating to the Status of Refugees (hereinafter referred to as "the Refugee Protocol") in 1982, Japan revised the Immigration Control Order and replaced it with the Immigration Control Act. At the same time, the refugee recognition system has been implemented since January 1982. The major amendment to the Immigration Control Act that came into effect in May 2005 introduced a new refugee recognition system that allows undocumented persons applying for recognition as a refugee to stay in Japan provisionally to protect their legal status. The amendment also newly provided for refugee examination counselors to be appointed to act as a third party in the procedures for examination of objections to enhance the impartiality and neutrality of the refugee recognition procedure. Furthermore, the amendment of the Immigration Control Act enforced in April 2016 provided for the unification of the filing of objections with requests for administrative review, made it possible for refugee examination counselors to carry out the procedures for administrative review, and brought in a system of requests for administrative review of not only dispositions including denial of recognitions of refugee status but also of inaction on applications for recognition of

refugee status. Thus, when an application for refugee recognition is submitted, the Ministry of Justice conducts an investigation into the case and judges whether it falls under the definition of Article 1 of the Refugee Convention and Article 1 of the Refugee Protocol. The Government faithfully, strictly and fairly implements its obligations provided in the Refugee Convention and the Refugee Protocol.

84. The Government of Japan provides a person recognized as a refugee with various forms of protection and humanitarian assistance in the areas of employment, education, social security and housing in accordance with the Refugee Convention. To facilitate prompt and secure protection of genuine refugees, the Government reviewed and improved the operation of the refugee recognition system based on the recommendations of the Minister of Justice's private consulting group in the following ways: (1) clarifying people eligible for protection, the decisions and the procedures on recognition, (2) strengthening the system and infrastructure pertaining to refugee recognition administration and (3) appropriate handling of applications attempting to abuse or misuse the refugee recognition system. Newly-introduced measures include disclosure of cases where applicants are recognized as refugees and the basis of such judgment, and training for officials engaging in refugee recognition administration, targeting officials at the manager-level.

85. When a foreign national in Japan files an application for refugee recognition, he/she is recognized as a refugee under the Refugee Convention without fail if he/she is a refugee. Those who would not be recognized as refugees prescribed in the convention are also specially permitted to stay in Japan and are protected if it is recognized as appropriate to safeguard them in consideration of circumstances in their home countries and conditions of residence in Japan on an individual basis. In addition, the Government of Japan is aiming at prompt processing while setting the standard processing (examination) period at six months in order to stabilize the legal status of refugee recognition applicants at an early date. Moreover, the Government of Japan is promoting expedition of procedures for refugees to file complaints, by increasing the number of refugee examination counselors (from the previous 56 to 84).

86. As for refugee recognition procedures, the Government of Japan has prepared informational pamphlets in 14 languages for those who wish to apply for refugee recognition and makes them available at regional immigration bureaus nationwide and on the Internet. In addition, the Government of Japan is making efforts to ensure appropriate procedures with due consideration for applicants, including conducting, in principle, an interview concerning application for refugee recognition through an interpreter in a language which the applicant desires to use. To ensure appropriate determination of refugees, the Government of Japan provides training designed to instill refugee inquirers with a high level of knowledge and inquiry capability, and strives to improve training content, in cooperation with the United Nations High Commissioner for Refugees. Moreover, the Government offers training for officials engaging in refugee recognition administration, targeting officials at the manager-level, as well as training for newly appointed refugee examination counselors related to objections and requests for administrative review.

87. When those who claim at the airport to be eligible as refugees have difficulty securing housing, the Ministry of Justice commissions private bodies or NGOs supporting refugees to arrange suitable housing, and grants landing permission for temporary refuge or permission for provisional stay to those for whom acceptance is possible.

88. Data on refugee recognition administration by the end of December, 2015 are as follows.

Applications		30 145	Objections filed	16 526
Results of examinations	Recognized	531	Decision results	129
	Not recognized	20 339	No reasons	7 870
	Withdrawn and others	1 972	Withdrawn and others	2 062

89. The number of foreign nationals who were recognized as refugees between January 1982, when the refugee recognition system was inaugurated in Japan and the end of December 2015 was 660. (Out of these, 129 people were recognized as refugees through the objection filing procedure.) In addition, 2,446 foreign nationals were permitted to stay in Japan for safeguarding purposes, though they were not recognized as refugees, over the same period.

90. While the refugee recognition system allows foreign nationals in Japan to apply for refugee recognition, under the different systems, Japan allows the settlement of refugees from three Indochinese countries (Viet Nam, Laos and Cambodia) and Myanmar, and their number had reached 11,424 as of the end of December 2015. Such persons who have been allowed to settle in Japan as refugees can also be recognized as convention refugees and, in fact, some of them have been.

91. The Government of Japan has so far not positively considered acceding to the 1954 Convention Relating to the Status of Stateless Persons and to the 1961 Convention on the Reduction of Statelessness, mainly for the following reasons: the Government gives due consideration to the prevention of statelessness. It also issues "residence cards" to mid- and long-term residents, including both foreign residents with and without nationality, while issuing "certificate of status of residence" or "re-entry permit" to foreign residents who cannot obtain passports due to their statelessness to help clarify the facts and details regarding legal residence permission and to enable such people to travel. As a result, in Japan, no major problems have arisen regarding the existence of people without nationality and the protection of their status and rights, so it is not clear whether or not there are domestic needs for acceding to these conventions.

(2) Acceptance of Indochinese refugees

92. Acceptance of Indochinese refugees started in 1978, when Japan permitted the settlement of the Vietnamese refugees who had been temporarily staying in Japan. Subsequently, Japan expanded the scope of the settlement permit to include Indochinese refugees staying in Asian countries in 1979. Since then, Japan eased permit conditions twice, having allowed settlement of those who had been staying in Japan as foreign students before political changes took place in the three Indochinese countries and those who entered Japan from Viet Nam as family members under the Orderly Departure Program (ODP). The number of Indochinese refugees who were accepted to settle in Japan reached 11,319.

93. Because political situations in the three abovementioned Indochinese countries had stabilized, as well as for other reasons, the Government of Japan stopped accepting Indochinese refugees at the end of December 2005.

(3) Measures for promoting local integration of Indochinese refugees and Convention refugees as well as admission of refugees for resettlement

94. With a Cabinet Agreement in 1979, the Government of Japan decided to offer Japanese language training, vocational training and employment placement to Indochinese refugees with a view to promoting their local integration in Japan, and to entrust the implementation of these measures to the Foundation for the Welfare and Education of the Asian People. In response, the Refugee Assistance Headquarters (RHQ) was established within the Foundation, followed by the Himeji Resettlement Promotion Center in Hyogo Prefecture (closed in March 1996), the Yamato Resettlement Promotion Center in Kanagawa Prefecture in 1980 (closed in March 1998), and the Omura Resettlement Promotion Center in Nagasaki Prefecture in 1982 (closed in March 1995). In 1983, furthermore, the Foundation opened the International Refugee Assistance Center in Tokyo. The total number of residents of the centers since their opening was 11,523.

95. Based on the Cabinet Agreement on August 7, 2002, the relevant ministries and agencies also offer various kinds of support for those recognized as convention refugees in accordance with the Immigration Control Act. From April 2006, the Government has been implementing support measures for local integration, including Japanese language training,

livelihood guidance, and employment consultation, at the RHQ Support Center, a local integration support facility.

96. From the perspective of international contribution and humanitarian assistance, as per the Cabinet Agreement on December16, 2008 and other related agreements, the Government of Japan decided to initiate a refugee resettlement project to admit approximately 30 Myanmar refugees (consisting of families) from a refugee camp in Thailand once a year for three consecutive years from FY2010 as a pilot project. In March 2012, the Government decided to continue this pilot project for two more years after FY2013, expand the camp site, and improve resettlement support. Additionally, mainly based on the Cabinet Agreement in January 24, 2014, the Government also decided to continuously implement the refugee resettlement project, include Myanmar's refugees residing in Malaysia in the scope of the project, and enable refugees accepted during the pilot project to bring their families over from Thailand. By the end of 2016, the Government had accepted 123 Myanmar refugees comprising 31 families, including those accepted during the pilot project.

(4) Living conditions

97. A summary of the 2000 Survey of the Status of Local Integration Situation of Indochinese Refugees conducted by the RHQ of the Foundation for the Welfare and Education of the Asian People) indicated a relatively smooth local integration of the refugees. However, the survey also found that 35% of the refugees had difficulty with the Japanese language. Additionally, a glance at the living conditions of Indochinese refugees through the local integration support and livelihood consultation service provided by the RHQ reveals challenges arising from the aging of the first-generation refugees as their stay in Japan becomes longer. Nevertheless, the status of their local integration in Japanese society is generally stable.

98. Most Indochinese refugees, convention refugees and resettled refugees who have settled in Japan are considered to have adjusted to their workplaces and local communities in a relatively smooth manner, being sustained by the understanding and support of their employers and local communities. With the gradual increase in the number of settled refugees, however, there are some cases of those facing various challenges in their daily lives due to differences in language and customs. To respond to such challenges, the RHQ of the Foundation for the Welfare and Education for the Asian People, which has currently been entrusted with the implementation of the local integration support by the Government of Japan, places consultants as its Head Office, Kansai Branch and RHQ Support Center in order to address the complicated and specialized details of consultation and to offer thorough and continuous consultation and guidance for refugees themselves, their family members, and their employers. The consultants continue to provide livelihood consultation even after refugees leave the local integration support facility. In addition, since FY2012, the Foundation has deployed community-based local integration support staff to local communities where resettled refugees live, thereby providing livelihood support that is necessary for resettled refugees to establish themselves and settle into local communities.

99. The understanding and cooperation of local residents are indispensable for the smooth settlement of Indochinese refugees, convention refugees, and resettled refugees. Therefore, for these refugees, the Foundation annually holds a Festival for Resettled Refugees in Japan to deepen mutual understanding through communications with local residents.

100. Furthermore, applicants for the recognition of refugee status are also provided with funds to meet their living, housing (including provision of temporary living), and medical expenses as needed, while they are waiting for the results of their applications.

III. Article by Article Report

Article 2

1. Prohibition of discrimination in the Constitution and legislation

101. With regard to Paragraphs 7 and 8 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, as Paragraphs 59, 60 and 62 of the Initial and Second Periodic Report have explained, the Government of Japan regulates racial discrimination as follows, and therefore does not recognize that it must adopt comprehensive legislation prohibiting racial discrimination as the concluding observations urges.

102. The Constitution of Japan provides equality under the law regardless of race (Article 14, Paragraph 1 of the Constitution of Japan), and stipulates that "the Constitution shall be the supreme law of the nation and no law, ordinance, imperial prescript or other act of government, or part thereof, contrary to the provisions hereof, shall have legal force or validity (Article 98, Paragraph 1). It also stipulates that public officials shall have the obligation to respect and uphold this Constitution" (Article 99). Under these provisions of the Constitution, the Government protects people fr m any discrimination based on race.

103. The Constitution provides in Article 94 that local public entities shall have the right to manage their own property, affairs and administration and to enact their own ordinances within the law; however, various provisions in the Constitution, including the provision in Article 99 which set out the obligation of public officials to respect and uphold the Constitution, bind local public entities. Therefore, the Local Autonomy Act provides that ordinary local public entities can enact ordinances, provided that they do not violate the laws and regulations (Article 14, Paragraph 1), that they must not carry out their duties in violation of the laws and regulations (Article 2, Paragraph 15), and that the conduct of local public entities which violate the aforementioned provisions shall be nullified (Paragraph 16). In accordance with these provisions, local public entities also protect people from any discrimination based on race.

104. Paragraph 1 of Article 14 of the Constitution provides equality under the law without any racial discrimination. Based on this principle, Japan has been making efforts to eliminate all forms of discrimination. In highly public fields such as education, medical care and traffic, which are closely related with civil life, discriminatory treatment is prohibited by laws and regulations. Moreover, the related ministries and agencies carry out guidance and education programs to eliminate all forms of discrimination.

105. Concerning so-called hate speech, the Hate Speech Elimination Act came into force in June 2016. This Act, which declares that unfair discriminatory speech and behavior against persons originating from outside Japan will not be tolerated, was enacted to spread awareness among the general public and to promote their understanding and cooperation through further human rights education and awareness-raising activities, and to strengthen efforts to eliminate unfair discriminatory speech and behavior (Preamble). The Act aims for specifying the basic principles, clarifying the responsibility of the national government, as well as setting out and promoting basic measures relating to efforts to eliminate such discriminatory speech and behavior (Article 1).

106. This Act defines "unfair discriminatory speech and behavior against persons originating from outside Japan" as "unfair discriminatory speech and behavior to incite the exclusion of persons originating exclusively from a country or region other than Japan or their descendants and who are lawfully residing in Japan from the local community, such as openly announcing an intention to harm the life, body, freedom, reputation or property of, or to significantly insult, persons originating from outside Japan with the objective of encouraging or inducing discriminatory feelings against them" (Article 2). Based on this definition, this Act provides that the general public shall further their understanding of the need to eliminate unfair discriminatory speech and behavior against persons originating from outside Japan and shall endeavor to contribute to the realization of a society free from unfair discriminatory speech and behavior against such persons (Article 3), and specifies

responsibilities of the national government and local governments towards eliminating unfair discriminatory speech and behavior against persons originating from outside Japan (Article 4).

107. As basic measures to be taken by the national government and local governments, this Act also provides for preparation and maintenance of a counseling system relating to unfair discriminatory speech and behavior against persons originating from outside Japan (Article 5) and for educational and awareness-raising activities for eliminating such unfair discriminatory speech and behavior (Articles 6 and 7).

2. Efforts of the human rights bodies of the Ministry of Justice

108. The human rights bodies of the Ministry of Justice conduct necessary investigation of alleged human rights violations, including racial discrimination, and take appropriate measures depending on the case in question in accordance with the Regulation on Investigation and Resolution of Human Rights Violation Cases and the Human Rights Volunteers Act.

109. With regard to Paragraph 9 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, the Government of Japan submitted the Human Rights Commission Bill to establish a new human rights institution to the 181st session of the Diet in November 2012, but the bill was scrapped due to the dissolution of the House of Representatives that same month. A desirable framework of the human rights remedy system is being appropriately discussed based on the past progress of discussions as well. Meanwhile, the Ministry of Justice has the Human Rights Bureau which acts as an administrative organ engaging in human rights protection and promotion. As its subordinate organs, the Human Rights Departments of the Legal Affair Bureaus (eight locations nationwide), the Human Rights Divisions of the District Legal Affairs Bureaus (42 locations nationwide), and their branches (261 locations (as of October 1, 2016)) have been established. Moreover, in Japan, about 14,000 Human Rights Volunteers (private citizens appointed by the Minister of Justice) engage in human rights protection and promotion activities across Japan in cooperation with the Human Rights Bureau of the Ministry of Justice, the Legal Affairs Bureaus and the District Legal Affairs Bureaus.

3. Human rights education and training for public officials

(1) Civil servants in general

110. See Paragraph 69 of the Seventh, Eighth and Ninth Combined Periodic Report. The term "the second phase" in said paragraph should be amended to "the third phase".

111. With regard to administrators, the National Personnel Authority (NPA) has established a curriculum of human rights for training courses targeted at national public officers. Additionally, the Cabinet Bureau of Personnel Affairs has offered relevant agencies guidance on providing training to raise awareness of respect for human rights among national public officers, through the Basic Policy on Training for National Public Officers.

(2) Police personnel

112. Given that the police carry out duties that are deeply related to human rights issues such as crime investigation, the Rules Concerning Work Ethics and Service of Police Personnel (National Public Safety Commission Rule (2000), No.1) prescribe the Fundamentals of Work Ethics of which the main pillar is respect for human rights. The Government of Japan also implements human rights education, advancing work ethics education as an important part of police education.

113. Newly-hired police personnel and those who are about to be promoted are educated at police schools with regard to human rights through classes of jurisprudence on topics including the Constitution and the Code of Criminal Procedure and work ethics.

114. Police personnel who are engaged in crime investigations, detainment management, and assistance for victims are thoroughly educated to acquire the knowledge and skills necessary to ensure appropriate execution of duties that takes into consideration the human rights of suspects, detainees, crime victims, and others. Such education is offered by taking advantage of various training programs, such as professional education at police schools of each rank and training provided at police headquarters and police stations.

(3) Officials of the Public Prosecutors Offices

115. The Ministry of Justice offers lectures concerning international conventions on human rights, including the ICERD, in various kinds of training that prosecutors receive according to their years of experience. For example, training for newly-appointed prosecutors includes lectures concerning international conventions on human rights.

(4) Officials of correctional institutions

116. For officials of correctional institutions, with a view to promoting respect for the human rights of inmates, the Training Institute for Correctional Personnel and its branches provide lectures concerning the human rights of inmates based on the Constitution and international conventions on human rights, and hold practical training sessions based on private programs adopting behavioral science approaches, in various training programs implemented according to the years of service and the type of duties involved. In FY2015, a total of 15,667 officials attended lectures and training on 506 subjects.

(5) Officials of offender rehabilitation offices

117. From newly-appointed probation officers to managerial staff, according to the level of work experience and officer rank, training is provided for officials at offender rehabilitation offices every year. This training includes lectures on the human rights of probationers and parolees.

(6) Officials of the Immigration Bureau

118. Lectures concerning conventions on human rights are given to officials of the Immigration Bureau in various kinds of training to further heighten their awareness of human rights. In FY2015, a total of 642 officials attended lectures on human rights in 18 training sessions.

(7) Judges

119. The Government of Japan recognizes that the Legal Training and Research Institute for the training of judges and legal apprentices holds lectures relating to human rights issues in its judge training curriculum. The lectures are given on such themes as human rights issues in criminal proceedings, women's and children's rights, domestic violence, the Dowa issue, human rights for foreign nationals, and issues relating to international human rights law, including human rights instruments. The training curriculum for legal apprentices also includes lectures dealing with human rights. The Government of Japan also recognizes that in FY2015, a total of 375 judges attended lectures on human rights in six training sessions, and two lectures on international human rights law attracted a total attendance of 1,762 legal apprentices.

(8) Other court officials

120. The Government of Japan recognizes that the Training and Research Institute for Court Officials provides training for court officials other than judges, which includes lectures on guaranteeing fundamental human rights, domestic violence issues and similar themes in its training curriculum for those officials. The Government of Japan also recognizes that in FY2015, a total of 2,774 officials attended lectures on human rights in 18 training sessions.

(9) Local civil servants

121. See Paragraph 79 of the Seventh, Eighth and Ninth Combined Periodic Report.

(10) Teachers

122. See Paragraph 80 of the Seventh, Eighth and Ninth Combined Periodic Report.

Article 3

123. See Paragraph 36 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, and Paragraph 82 of the Seventh, Eighth and Ninth Combined Periodic Report.

Article 4

1. Reservations

124. With regard to Paragraph 10 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, as Paragraphs 72 to 74 of the Initial and Second Periodic Report have explained, the Government of Japan made reservations about subparagraphs (a) and (b) of Article 4 of the Convention for the following reasons.

125. In concluding the aforementioned Convention, Japan made the following reservation about paragraphs (a) and (b) of Article 4.

> "In applying the provisions of paragraphs (a) and (b) of Article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, Japan fulfills the obligations under those provisions to the extent that fulfillment of the obligations is compatible with the guarantee of rights to freedom of assembly, association and expression and other rights under the Constitution of Japan, noting the phrase "with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in Article 5 of this Convention" referred to in Article 4".

126. The reason for this reservation is as follows.

- The Constitution of Japan guarantees freedom of assembly and association as well as speech, press and all other forms of expression under the provision of Article 21, Paragraph 1 (hereinafter referred to as "freedom of expression"). Freedom of expression is one of the most important rights among fundamental human rights since it is an indispensable prerequisite for people to participate in politics and is directly related to the respect of an individual's dignity. In view of the importance of freedom of expression, excessively broad restrictions on freedom of expression are interpreted not as forbidden under the Constitution, and those who attempt to impose such restrictions are strictly required to provide explanations of the necessity and rationale for such restrictions even in cases that entail a conflict with the rights of other persons. This principle is applied even more strictly in cases where acts of expression are restricted by penalties, the most strict of sanctions. Article 31 of the Constitution of Japan guarantees the principle of legality of crime and punishment, requiring that the criminal laws provisions shall be as concrete and clear as possible in stating the practices to be punishable and the penalties to be meted out.

- Paragraphs (a) and (b) of Article 4 of the said Convention request State Parties to punish dissemination of ideas based on racial superiority or hatred and incitement to racial discrimination. In Japan, it is possible to punish such practices as long as it is compatible with the Constitution; accordingly, Japan fulfills the obligation requested by the said Convention to that extent. However, as stated above, to control all such practices with criminal laws and regulations beyond the current legal system is likely to be contrary to the freedom of expression and other freedoms as guaranteed by the Constitution. This is because the concept referred to in the said Articles may include various practices under diverse conditions. Therefore, Japan has decided to fulfill obligations stipulated in Article 4 of the said Convention so long as they do not contradict the guarantees of the Constitution of Japan, while paying due regard to the rights proclaimed by the Universal Declaration of Human Rights.

2. Making dissemination, incitement and violence punishable

127. See Paragraphs39 and 40 of the Third, Fourth, Fifth and Sixth Combined Periodic Report.

128. With regard to Paragraph 11 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, this Periodic Report explains as follows.

129. When demonstrations and the like related to so-called hate speech take place, the police have so far taken necessary measures with a view to preventing illegal acts and ensuring the safety of the people involved as well as of nearby areas, and have provided required security from a strict and impartial standpoint. Additionally, when manifestations of hate and racism as well as incitement to racist violence and hatred during demonstrations and rallies violate criminal laws and regulations, the police have so far firmly addressed such acts based on the law and evidence. In response to enactment of the Hate Speech Elimination Act, the National Police Agency has directed all prefectural police to promote police activities based on the purpose and other aspects of the Act. The police will continue to address these issues accordingly.

130. To take one example of a successfully prosecuted case, four people were accused of creating a noise disturbance by engaging in speech and behavior that were aimed at inciting the exclusion of Korean schools, targeting the principal of Kyoto Korean Daiichi Elementary School and other people and using loudspeakers and other means, near the Korean school and in a nearby park in Kyoto City in December 2009. In this case, the four criminals were arrested and prosecuted for the crimes of forcible obstruction of business and insulting behavior, and were all convicted.

131. With regard to broadcasting, the Broadcast Act provides that, when editing the broadcast programs of domestic broadcasting or domestic and international broadcasting, broadcasters shall not harm public safety or good morals, they shall be politically fair, their reporting shall not distort the facts, and they shall clarify the points at issue from as many angles as possible where there are conflicting opinions concerning an issue. The Act also provides that broadcasters shall stipulate standards for the editing of the broadcast programs (program standards) and shall edit the broadcast programs in compliance with the standards, and that broadcasters shall establish a deliberative organ for broadcast programs in order to ensure the appropriateness of the broadcast programs. In accordance with these provisions, broadcasters are required to broadcast programs appropriately so as not to harm public safety and good morals by justifying or encouraging dissemination or incitement of racism, and violence.

132. See III, Article 2, 1 of this Periodic Report for the Hate Speech Elimination Act.

133. The human rights bodies of the Ministry of Justice ran a nation-wide anti-hate speech campaign in the wake of the enactment of the Hate Speech Elimination Act. For example, the bodies disseminated information about enactment of the Act using the website of the Ministry of Justice and other means, and shared translations of the Act in non-Japanese languages, as well as distributed 60,000 copies of a campaign poster throughout the country. These bodies also performed awareness-raising activities around the venues where street propaganda and demonstrations had taken place and so-called hate speech would be likely to take place. Additionally, the Ministry of Justice established a project team for coping with hate speech within its Human Rights Bureau and strengthened the cooperative system with related national government organs and local governments. Moreover, the Ministry has promoted collaboration with civil society more actively than before.

3. Regulations in the field of telecommunication

134. See Paragraphs 87 to 91 of the Seventh, Eighth and Ninth Combined Periodic Report.

4. Prohibition of activities to incite groups

135. See Paragraphs 88 to 90 of the Initial and Second Periodic Report.

5. Handling of racially discriminatory motive under the Penal Code

136. See Paragraph 93 of the Seventh, Eighth and Ninth Combined Periodic Report.

6. Related domestic court decisions

137. Below are examples of decisions of the court (issued between January 2012 and December 2016) with regard to cases of racial discrimination related to Article 4 of the Convention.

138. Osaka High Court decision of July 8, 2014 (the final appeal against which was dismissed and rejected by the Supreme Court decision on December 9 of the same year.)

This decision recognized that according to the purpose of the ICERD, demonstrations and rallies by an organization that aims to abolish the so-called "privileges of Korean residents in Japan" fell under the definition of having "infringed on the rights of others, or the legally protected interests of others" provided for in Article 709 of the Civil Code, and allowed claims for damages.

139. Takamatsu High Court decision of April 25, 2016 (the final appeal against which was dismissed and rejected by the Supreme Court decision on November 1 of the same year.)

This decision recognized that demonstrations and rallies by an organization that aims to abolish so-called "privileges of Korean residents in Japan" fell under the definition of having "the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of [the] human rights and fundamental freedoms" of minorities, provided for in Article 1 of the Convention, and were illegal. The decision allowed the claim for damages in torts provided for in the Civil Code.

Article 5

1. Right to receive fair treatment in a court of law

140. See Paragraphs 91 and 92 of the Initial and Second Periodic Report.

2. Rights concerning the physical safety of a person against violence or injury and protection by the State

141. See Paragraphs 96 and 97 of the Initial and Second Periodic Report, Paragraph 49 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, and Paragraph 98 of the Seventh, Eighth and Ninth Combined Periodic Report. In Paragraph 98 of the last Periodic Report, the term "strict immigration examination" should be amended to "strict immigration examination for landing".

142. With regard to Paragraph 25 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, the police perform their duties impartially and neutrally in accordance with the provisions of the law, and in fact do not perform surveillance of Muslims of foreign origin, which may constitute ethnic or ethno-religious profiling.

3. Political rights

143. See Paragraph 105 of the Initial and Second Periodic Report.

144. In Japan, as equal election is guaranteed under the following provisions of the Constitution. The Constitution of Japan holds the sovereignty of the people as one of its fundamental principles and stipulates in Paragraph 1 of Article 15 that the people have the inalienable right to choose their public officials and to dismiss them. The Paragraph 3 of the said Article guarantees universal adult suffrage. Article 14 of the said Constitution prohibits racial discrimination, and Article 44 prohibits racial discrimination in the qualifications to be a Diet member.

145. As the Public Offices Election Act provides that Japanese nationals who are over eighteen years of age or more have a right to elect a member of the House of Representatives and the House of Councilors based on the principles of the Constitution (Article 9, Paragraph 1), the right to vote is given to all nationals regardless of their race or ethnicity. The said Act also stipulates that Japanese nationals aged twenty-five or older are eligible to be a member of the House of Representatives and those thirty or older, a member of the House of Councilors. (Article 10, Paragraph 1) Thus, the right to be elected is also guaranteed to all nationals regardless of their race or ethnicity.

146. Regarding local suffrage, the Public Offices Election Act and the Local Autonomy Act guarantee the right to vote to all Japanese nationals aged eighteen or older who have resided in a prefecture or municipality for three consecutive months or more. Japanese nationals aged thirty or older are eligible to run for the office of the governor of a prefecture; those who are twenty-five years of age or older, for the office of the mayor of a municipality. Japanese nationals who are over twenty-five years of age or older with the right to vote for local government representatives are eligible to be elected representative of that local government. Thus, under the abovementioned conditions, the right to vote and the right to be elected are given equally to all Japanese nationals regardless of their race or ethnicity.

147. With regard to Paragraph 13 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, this Periodic Report explains as follows.

148. As Paragraph 100 of the Seventh, Eighth and Ninth Combined Periodic Report has explained, the fact that a foreign national cannot become a Conciliation Commissioner of Domestic Relations does not fall under discriminatory treatment for the reason of nationality: a person shall have Japanese nationality to become a public servant engaged in the exercise of public authority or participation in the formation of national intention; and a commissioner, which is a part-time court official, falls under the category of such public servants. Japanese nationality is thus considered as necessary to become a commissioner.

149. In Japan, Japanese nationality is required for civil servants who participate in the exercise of public power or in public decision-making, but it is understood that Japanese nationality is not necessarily required for civil servants who do not engage in the abovementioned work. Foreign nationals have been employed as civil servants in accordance with the abovementioned principle. Article 27 of the National Public Service Act and Article 13 of the Local Public Service Act provide that in the application of these Acts, all citizens are accorded equal treatment and must not be discriminated against due to race. Thus, discrimination due to race and ethnicity is prohibited in the employment of civil servants.

4. Civil rights

(1) Rights to freedom of movement and residence

150. See Paragraph 107 of the Initial and Second Periodic Report.

(2) Rights to freedom of leaving and entering Japan

151. See Paragraphs 108 to 111 of the Initial and Second Periodic Report, and Paragraph 103 of the Seventh, Eighth and Ninth Combined Periodic Report.

(3) Right to nationality

152. See Paragraphs 104 to 109 of the Seventh, Eighth and Ninth Combined Periodic Report.

(4) Right to marriage and choice of spouse

153. See Paragraph 116 of the Initial and Second Periodic Report.

(5) *Severalty (and joint) ownership*

154. See Paragraph 117 of the Initial and Second Periodic Report.

(6) *Right to inherit*

155. See Paragraph 116 of the Initial and Second Periodic Report.

(7) *Rights to freedom of thought, conscience and religion*

156. See Paragraphs 118 and 119 of the Initial and Second Periodic Report, and Paragraph 114 of the Seventh, Eighth and Ninth Combined Periodic Report.

(8) *Rights to freedom of opinion and expression and freedom of peaceful assembly and association*

157. See Paragraph 120 of the Initial and Second Periodic Report.

5. Economic, social and cultural rights

(1) *Rights to labor*

158. See Paragraph 52 of the Third, Fourth, Fifth and Sixth Combined Periodic Report. The term "race or ethnicity" in Paragraph 127 of the Initial and Second Periodic Report and as quoted in the above designated paragraph should be interpreted to include nationality and social status mentioned in the guidelines, whether or not the group is protected under the convention, and the like.

(2) *Rights to housing*

159. While Paragraphs 118 to 120 of the Seventh, Eighth and Ninth Combined Periodic Report have provided an explanation, this Periodic Report also explains as follows.

160. Regarding Equal treatment in selecting tenants for rental housing, on qualifications for tenants for public housing the Act on Public Housing, the Residential Areas Improvement Act and the Local Housing Corporation Act provide for fair procedures and requirements for the methods of recruiting tenants, qualifications, and selection.

161. With regard to private rental housing, the Government of Japan provides housing assistance councils which are organized by local governments, related business operators and housing assistance organizations with support for their efforts to facilitate those who require consideration in terms of securing of housing, including foreign nationals, to smoothly move into private rental housing.

162. The human rights bodies of the Ministry of Justice make efforts to ensure equality in the selection of tenants through human rights promotion activities to eliminate unfair treatment.

(3) *Rights to public health, medical care, social security, and social services*

163. See Paragraphs 132 to 135 of the Initial and Second Periodic Report, and Paragraph 122 of the Seventh, Eighth and Ninth Combined Periodic Report.

164. In FY2014, the number of persons belonging to a household receiving public assistance of which the head is a foreign national was 74,386. See Annex 3 for details.

165. With regard to Paragraph 14 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, as Paragraph 134 of the Initial and Second Periodic Report has explained, in the National Pension Law and the National Health Insurance Law, it is stated that any person who has a domicile in Japan is eligible for such services regardless of their nationality. Moreover, under the Welfare Pension Insurance Law and the Health Insurance Law, any person employed by an applicable company is also eligible, regardless of nationality.

(4) Rights to education and training

166. See Paragraphs 124 to 132 of the Seventh, Eighth and Ninth Combined Periodic Report. In Paragraph 125, the term "municipal boards of education" denotes the boards of education of cities (including the special wards of Tokyo), towns and villages. In Paragraph 129, the passage "spreading knowledge about pioneering cases and initiatives, and other means" should be inserted before "at the liaison council meeting".

167. For the stage of upper secondary education, a system to waive tuition fees for public high school students and supply support funds to national and private high school students (Free Tuition Fee at Public High Schools/High School Enrollment Support Fund System) started in April 2010 to reduce the burden of education expenses on households. In 2014, the system was revised to supply support funds to public high school students as well. Additionally, financial support for students from households with lower income was increased, while students from households with higher income were rendered ineligible.

168. Regardless of nationality, students who are enrolled in high schools that are subject to this system and who meet the requirements are eligible. High schools that are subject to the system include schools for foreign nationals approved as miscellaneous schools that have curricula equivalent to those of Japanese high schools and that fall under (a) those that can be confirmed through an embassy as having such curricula or (b) those that can be confirmed as having obtained certification from an internationally recognized school evaluation organization.

169. With regard to Paragraph 19 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, this Periodic Report explains as follows.

170. The Government of Japan explains the reasons why the exclusion of North Korean schools from High School Enrollment Support Fund System is not discrimination, as follows.

171. The High School Tuition Support Fund System is a system by which high schools receive support funds on behalf of their students and then cover their tuition with those funds. Accordingly, high schools are required to have in place a system that will appropriately manage these tuition support funds so that the funds will be surely used to cover the tuition. To ensure this, Article 13 of the designated criteria for designation regarding the system, which stipulates the regulations on the criteria for examining whether schools for foreign nationals in Japan are eligible for the system, clearly requires that appropriate school management must be carried out in accordance with the relevant regulations; specifically, schools are required to strictly observe all relevant regulations stipulated in the Basic Act on Education, the School Education Act, and the Private School Act.

172. In regards to the applicability of the High School Tuition Support Fund System to North Korean schools, as a result of an examination to determine whether North Korean schools satisfy the requirements for eligibility to the system, it became clear that North Korean schools have a close relationship with Chongryon (Chosen Soren in Japanese) and that these schools are under the influence of Chongryon in regards to educational content, personnel affairs, and finance. Since we were unable to obtain adequate evidence that these schools were not under "improper control", which is proscribed by Article 16, Clause 1 of the Basic Act on Education, and were unable to confirm that these schools conform with one of the criteria for designation, as stipulated in the above-mentioned Article 13, in terms of "appropriate school management in accordance with regulations", they could not be designated for eligibility to the High School Tuition Support Fund System.

173. The autonomy of North Korean schools is not violated even when the High School Tuition Support Fund System is not applied. If North Korean schools obtain the approval of the relevant prefectural governor and become high schools conforming with the requirements stipulated in Article 1 of the School Education Act, those schools will be eligible for the current High School Tuition Support Fund System. At present, many North Korean residents of Japan study at high schools that do conform with the requirements stipulated in Article 1 of the School Education Act or at schools for foreign nationals that

are already covered by the High School Tuition Support Fund System. Students at these schools receive support funds through the system. Therefore, since North Korean schools are not excluded from the system by reason that the students are Korean residents of Japan, North Korean schools and students of those schools are not subjected to discrimination and their right to education is not violated.

174. Children of foreign nationality, including those of North Korean nationality, can receive education for free at public compulsory schools, just as Japanese children can, and the Government of Japan provide educational opportunities for them. Therefore, the Government does not consider cases where local governments do not provide subsidies to North Korean schools as falling under violation of North Korean children's right to education as a result of being North Korean residents in Japan.

175. Furthermore, with regard to the provision of local government subsidies to North Korean schools, the Government of Japan recognizes that each prefectural or municipal government on its own responsibility and judgment decides whether to implement such measures, giving due consideration to its own financial condition and the necessity of such measures in terms of public interest or educational promotion. The Government recognizes that it is inappropriate for it to directly request local governments to resume or maintain the provision of subsidies without a proper understanding of the situation surrounding each local government.

(5) Rights to equal participation in cultural activities

176. See Paragraph 142 of the Initial and Second Periodic Report.

6. Rights to utilize places or services intended for use by the general public

177. With regard to Paragraph 15 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, while an explanation was provided by Paragraphs 56 and 57 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, this Periodic Report also explains as follows.

178. In terms of equal treatment in using the services provided by hotels, restaurants, cafes, and theaters, the Law Concerning Proper Management and Promotion of Businesses Related to Environment and Hygiene provides that measures should be taken to safeguard the benefit of users and customers of such services. For instance, Centers for Environment and Sanitation Management Guidance ensure proper responses to complaints from consumers. In particular, the Hotel Business Law prohibits hotels from refusing a customer merely on the basis of race or ethnicity. Likewise, the Regulations for the Enforcement of the Law for Improvement of International Tourist Hotel Facilities prohibit discriminatory treatment according to the nationality of guests, such as charging different rates depending on guests' nationality for services such as accommodation and meals provided by registered inns and hotels.

179. With respect to equal treatment in the use of transportation, discriminatory treatment against specific passengers and users of respective transportation services is prohibited in the following legislations: the Railway Operation Act, the Railway Business Act, the Road Transportation Law, Motor Track Transportation Business Act, Consigned Freight Forwarding Business Act, Marine Transportation Act, the Port Transportation Business Law and Civil Aeronautics Act, although the details of the systems differ depending on the relevant laws. For example, there are provisions that in the case of being construed as unfair and discriminatory to particular users, the Government order the service provider to alter such fees, or that prohibit refusal of offering transportation service for specific passengers except in cases where the transport is against public order and good manners.

7. Information concerning social indexes

180. See Annexes 4 to 12.

Article 6

1. Remedies by the judicial organs

181. See Paragraphs 145 to 149 of the Initial and Second Periodic Report.

2. Redress by the administrative organs

(1) Organization of the human rights bodies of the Ministry of Justice

182. The Ministry of Justice has the Human Rights Bureau which acts as an administrative organ engaging in human rights protection and promotion. As its subordinate organs, the Human Rights Departments of the Legal Affairs Bureaus (eight locations nationwide), the Human Rights Divisions of the District Legal Affairs Bureaus (42 locations nationwide), and their branches (261 locations (as of October 1, 2016)) have been established.

> "Moreover, in Japan, about 14,000 Human Rights Volunteers (private citizens appointed by the Minister of Justice) engage in human rights protection and promotion activities across Japan in cooperation with the Human Rights Bureau of the Ministry of Justice, the Legal Affairs Bureaus and the District Legal Affairs Bureaus.
>
> The Human Rights Bureau of the Ministry of Justice, the Human Rights Departments of the Legal Affairs Bureaus, and the Human Rights Divisions of the District Legal Affairs Bureaus and their branches as well as Human Rights Volunteers are collectively referred to as "the human rights bodies of the Ministry of Justice".

(2) Human rights counseling, and investigation and resolution of human rights violation cases by the human rights bodies of the Ministry of Justice

183. The human rights bodies of the Ministry of Justice widely provide human rights counseling services at the Legal Affairs Bureaus, the District Legal Affairs Bureaus and their branches at 311 locations nationwide (as of October 1, 2016), covering all forms of human rights violations, including racial discrimination. In 2015, they dealt with 236,403 cases. In addition to human rights counseling services, the bodies engage in investigation and resolution of human rights violation cases on fair and impartial grounds. The outline of the investigation and resolution of human rights violation cases is as follows.

(a) Commencement of remedy procedures

184. See Paragraph 143 of the Seventh, Eighth and Ninth Combined Periodic Report.

185. Moreover, regarding human rights issues concerning foreign nationals, Human Rights Counseling Centers for Foreigners provided in six languages (English, Chinese, Korean, Filipino, Portuguese and Vietnamese) have been expanded to the all 50 Legal Affairs Bureaus and District Legal Affairs Bureaus nationwide. Additionally, in order to provide human rights counseling for foreign nationals around the country, the human rights bodies of the Ministry of Justice established the Foreign-language Human Rights Hotline provided in English and Chinese in 2015 and expanded to the aforementioned six languages in April 2017, as well as the Human Rights Counseling Service on the Internet in March 2016.

(b) Implementation of investigation

186. See Paragraphs 145 to 146 of the Seventh, Eighth and Ninth Combined Periodic Report.

(c) Remedy measures

187. See Paragraphs 147 to 148 of the Seventh, Eighth and Ninth Combined Periodic Report.

188. A total of 20,999 human rights violation cases were received in 2015. Below are examples of cases that the human rights bodies of the Ministry of Justice have handled so far.

(a) When a person asked a real estate broker to mediate a lease contract after he/she planned to have a foreign national stand surety, the broker told the client to add another surety of Japanese nationality. An investigation of this case by the human rights bodies of the Ministry of Justice revealed that the broker had treated the foreign national thusly only by reason of his/her foreign nationality, without examining his/her competence, including financial means. The bodies recognized this treatment as discrimination without rational cause, and instructed the real estate broker to reconsider his/her act and avoid acting in a similar way thereafter (adopted measure: instruction).

(b) When a foreign national attempted to book a budget hotel, the hotel refused to have the person stay there due to his/her foreign nationality. An investigation of this case by the human rights bodies of the Ministry of Justice found that the hotel expressed the intention of apologizing to the foreign national for the inappropriate treatment. When the bodies offered a place for both parties to engage in discussions, the hotel explained their circumstances and apologized to the foreign national, indicating that they would improve their system for accepting foreign guests, which drew an understanding reaction from the foreign national (adopted measure: conciliation).

(c) A then representative of a rightist group incited exclusion of some Korean residents in Japan and shouted angrily, suggesting that he/she would murder them, and threatening them by demonstrating in a highly aggressive manner that suggested he/she would be capable of causing emotional and physical harm. Additionally, the offending person posted videos of some of the speech and behavior on multiple video-sharing websites. The human rights bodies of the Ministry of Justice recognized that this series of acts would destroy the dignity of the affected Korean residents as human beings, and could not be tolerated in terms of human rights protection. Therefore, the bodies recommended said rightist group representative to reconsider his/her acts and never to commit similar acts again, and requested the webmasters of the multiple video-sharing websites to delete the videos (adopted measures: recommendation and requests).

189. See Annex 13 for the statistics on the number of human rights violation cases in which the victim was a foreign national and the number of counseling cases concerning human rights violations against foreign nationals.

3. Securing access to the judiciary

190. See Paragraphs 151 to 155 of the Seventh, Eighth and Ninth Combined Periodic Report.

4. Support for crime victims

191. Refer to Paragraphs 156 to 159, and 161 of the Seventh, Eighth and Ninth Combined Periodic Report. In Paragraph 156 of said Periodic Report, the term "prevention of recurrence of crimes" should be amended to "prevention of recurrence of damage."

192. In addition to those mentioned in "3. Securing access to the judiciary" above, where a crime victim who has been allowed to participate in criminal proceedings under the victim participation system is lacking in financial means, when the Government of Japan makes it possible for such a crime victim to receive assistance from an attorney at law by bearing relevant expenses, the Japan Legal Support Center (*Houterasu*) nominates a candidate to serve as said attorney at law and notifies the court of said candidate. Additionally, when the crime victim appears in court for criminal proceedings (proceedings on a trial date or proceedings for trial preparation) as the participating victim and the Government pays traveling expenses for participating victims, the Center is in charge of sending the money to the crime victim. These measures are implemented without discrimination based on the victim's race and ethnicity.

5. Burden of proof in civil cases

193. See Paragraph 162 of the Seventh, Eighth and Ninth Combined Periodic Report.

6. Individual communications procedure

194. With regard to Paragraph 31 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, while explanations were provided in Paragraphs 163 and 164 of the Seventh, Eighth and Ninth Combined Periodic Report, this Periodic Report also explains as follows.

195. Japan considers the individual communications procedure set forth in Article 14 of ICERD to be noteworthy in that it effectively guarantees the implementation of human rights treaties.

196. With regard to the acceptance of the procedure, the Government of Japan is conducting an internal study on various issues including whether it poses any problem in relation to Japan's judicial system or legislative policy, and a possible organizational framework for implementing the procedure in case Japan is to accept it. As part of this process, the Division for Implementation of Human Rights Treaties was set up in the Ministry of Foreign Affairs in April 2010. The Government of Japan will continue to seriously consider whether or not to accept the procedure, while taking into account opinions from various quarters.

Article 7

1. Education and teaching

197. With regard to Paragraph 26 of the concluding observations of the Committee on the Elimination of Racial Discrimination to the previous Periodic Report, this Periodic Report explains as follows.

(1) The Act for Promotion of Human Rights Education and Encouragement

198. While explanations were provided in Paragraphs 77 to 79 of the Third, Fourth, Fifth and Sixth Combined Periodic Report, this Periodic Report also explains as follows.

199. In Japan, the "Act for Promotion of Human Rights Education and Encouragement" (hereinafter referred to as the "Human Rights Education and Encouragement Act") was enacted in November 2000. The Act aims the contribution to human rights protection by clarifying the responsibilities of the national government, local governments and the people with regard to the promotion of policy measures for human rights education and encouragement and also by identifying the actions to be taken in relation to the promotion of such policy measures. The enforcement of the Act took into consideration such factors as increased awareness of the urgency of the issue of respect for human rights, and national and international trends concerning protection of human rights, as well as the situation of human rights violations such as the occurrence of discrimination on the grounds of social status, family origin, race, creed or sex.

200. The Human Rights Education and Encouragement Act requires the Government of Japan to formulate a basic plan for promoting policy measures concerning human rights education and encouragement in a comprehensive and systematic manner. On the basis of this requirement, the Government formulated the "Basic Plan for Promotion of Human Rights Education and Encouragement" as a Cabinet decision in March 2002. This Basic Plan discusses how tasks such as individual human rights issues and training for those engaged in certain occupations deeply concerned with human rights should be addressed, as well as efforts to tackle human rights issues from the universal perspective of human rights in general. The Basic Plan also shows the direction Japan should take to advance and promote its human rights education and encouragement in a comprehensive and systematic manner.

201. Moreover, the Basic Plan calls for active promotion of efforts toward the elimination of prejudice and discrimination against the Ainu people and foreign nationals. Measures

based on the Basic Plan have been implemented and, the progress achieved through the implementation of these measures is reported to the Diet every year in accordance with Article 8 of the "Human Rights Education and Encouragement Act".

(2) *General information concerning the educational system*

202. While explanations were provided in Paragraphs 169 to 170 of the Initial and Second Periodic Report, and Paragraph 167 of the Seventh, Eighth and Ninth Combined Periodic Report, this Periodic Report also explains as follows.

203. It is important that school children study how to properly respect fundamental human rights, deepen their level of understanding of different ethnic groups, and eliminate racial or ethnic discrimination or prejudice. Therefore, elementary schools, junior high schools and high schools offer instruction on matters regarding respect for human rights through overall educational activities. These schools also promote education that will lead to deeper understanding and respect for the ways of life and cultures of people of various foreign countries. Especially in social studies and moral education, school children, according to the particular development stage, study the significance and the role of international law on human rights and the importance of respect for fundamental human rights. Furthermore, in universities and junior colleges, students deepen their knowledge and understanding of human rights through seminars on humanities, social sciences and other fields. The Government provides financial support to municipalities that offer various high-level learning opportunities appropriate for the community and which meet the needs of the people at social education facilities, including citizen's public halls, conveniently located for the local residents. Thus, various academic activities take place, such as classes and lectures on understanding foreign cultures and human rights, which are important subjects of study in modern society.

(3) *Efforts for mutual understanding*

204. While explanations were provided in Paragraphs 168 to 173 of the Seventh, Eighth and Ninth Combined Periodic Report, this Periodic Report also explains as follows.

205. Based on the recognition that it is important that schoolchildren properly acquire the spirit of respecting fundamental human rights and deepen their level of understanding of different racial and ethnic groups in order to eliminate discrimination or prejudice against people of different races and ethnicities, the Government of Japan will promote human rights-oriented education through the educational activities of schools.

206. The Ministry of Education, Culture, Science and Technology implements the "Project to Promote Research on Human Rights Education" designed to conduct practical research on comprehensive efforts made cooperatively by schools, households, and local communities as well as on the improvement and enrichment of the method of human rights education in schools in order to promote human rights education in schools.

207. In addition, the "Study Group on Educational Methods on Human Rights Education" has been held since 2003, and it compiled its third report in March 2008. In 2008 and 2009, the Study Group conducted research designed to verify the way that the first to third reports are being utilized in the efforts of boards of education and schools to enrich human rights education, and conducted analysis thereof.

208. Furthermore, the Government of Japan has held the Liaison Council of Supervisors in Charge of Human Rights Education since 2010 with the participation of persons in charge of human rights education at prefectural boards of education. In addition, between 2010 and 2015, the Government also took measures to collect and make public practical examples of human rights education to promote human rights education throughout the country.

(4) *Information concerning textbooks*

209. Regarding textbooks used in Japan, the Government of Japan has adopted a textbook authorization system. Based on the Courses of Study (national curriculum standards) etc., books written and edited by private companies are examined in a fair and neutral manner

through academic and specialized deliberations by the Textbook Authorization Research Council, and the Government of Japan permits the use of those which have been authorized.

280. For example, textbooks for social studies at junior high school include statements concerning respect for human rights and fundamental human rights as well as statements concerning the Ainu people.

(b) *Training for the officials of law enforcement authorities*

281. See III. Article 2, 1 (c) to (h), and (9) of this Periodic Report.

(c) *Human rights promotion activities by the human rights bodies of the Ministry of Justice*

282. See Paragraphs 175 to 178 of the Seventh, Eighth and Ninth Combined Periodic Report. In Paragraph 178 of said Periodic Report, the term "890,000 entries" should be amended to "970,000 entries", and the term "FY2011" should be amended to "FY2015". Additionally, the term "and human rights for foreign nationals" should be inserted after "such as bullying".

283. Based on the recognition that to eliminate so-called hate speech, it is important to raise society's human rights awareness and widely share the understanding that such speech and behavior should not be tolerated, the human rights bodies of the Ministry of Justice have run nationwide activities for awareness-raising against hate speech since January 2015, in addition to the existing activities for human rights for foreign nationals. The bodies have so far created and published posters, leaflets and various other forms of advertisement featuring the copy "Stop! Hate Speech", utilizing newspapers, electronic media, the Internet, and spot advertising to get their message across.

284. In response to reports of the occurrence of hate speech against Korean residents in Japan, the human rights bodies of the Ministry of Justice conducted a survey on the actual situation of so-called hate speech between August 2015 and March 2016 and disclosed the results, commissioning the task to public interest incorporated foundations, with the aim of collecting basic data useful for further improving human rights measures in the future.

285. The survey showed that organizations known to organize demonstrations and rallies using hate speech still conduct a considerable number of such activities, but the number of such activities has tended to decrease. The survey also showed that, while some of the demonstrations and rallies include statements based on certain political opinions, others include statements aimed at excluding people belonging to a particular ethnic group as a whole, causing harm to them, and/or purposely slandering them, and that, while statements of the latter type are still made in considerable quantity, their number has tended to decrease.

286. The Ministry of Justice also conducted interviews during the survey with 20 Korean residents to determine how Korean residents in Japan, who are deemed as major targets of hate speech in the country, feel about things such as when they see and hear someone engaging in hate speech and what impact hate speech had on them, and disclosed the results.

2. Culture

(a) *Ainu culture*

287. See Paragraphs 179 to 181 of the Seventh, Eighth and Ninth Combined Periodic Report.

(b) *International cultural exchange*

288. See Paragraphs 178 and 179 of the Initial and Second Periodic Report.

(c) *Broadcasting*

289. See Paragraph 181 of the Seventh, Eighth and Ninth Combined Periodic Report.

(4) Language policy

(a) Japanese language education for foreign nationals

220. See Paragraphs 185 to 186 of the Seventh, Eighth and Ninth Combined Periodic Report.

(b) Ainu language

221. In response to UNESCO's announcement in February 2009 that eight languages and dialects in Japan, including the Ainu language, the Hachijo language (Hachijo dialect), and the Amami language (Amami dialect) and so on are in danger of extinction, the Government of Japan conducted research, including a survey of the actual situation, with the aim of spreading the Ainu language to those other than the Ainu people. This research study compiled information on the characteristics of the Ainu language, its degree of endangerment, reference materials concerning the Ainu language, and the status of efforts to hand down the Ainu language. The results are available to the public on the website of the Agency for Cultural Affairs. Since FY2015, the Government has also held the Languages and Dialects in Danger Convention to raise national awareness of the value and perilous position of the eight languages and dialects in danger of extinction including Ainu and dialects of areas affected by the Great East Japan Earthquake. Additionally, the Government organizes the Research Council on Endangered Languages and Dialects, which consists of administrative officials and researchers, to share information about the current condition pertaining to each language or dialect, and the associated challenges faced.

222. In addition, the Government of Japan designated the Foundation for Research and Promotion of Ainu Culture to promote Ainu culture as a designated corporation pursuant to the law, and provides subsidies for projects conducted by said foundation, including a "radio course in the Ainu language", an "advanced course in the Ainu language", and a "speech contest in the Ainu language".

3. Information

(1) Dissemination of the purpose and principle of the Convention

223. The Government of Japan endeavors to disseminate the significance, content, and other related issues of the ICERD by offering important information with respect to the Convention through the Internet. In addition, the concluding observations of the Committee on the Elimination of Racial Discrimination to the Periodic Reports and other information relating to the past Periodic Reports are widely available to the public on the Ministry of Foreign Affairs website. This Periodic Report and other important information will likewise be available on the website.

(2) Promotion of broadcasters' efforts

224. See Paragraphs 190 to 191 of the Seventh, Eighth and Ninth Combined Periodic Report.